

Denise Berger

From: Steve Lipensky [slipensky@dcninc.com]
Sent: Wednesday, September 10, 2003 10:12 AM
To: CCBSecretary
Subject: Waiver Request of the Deadline



FCC Letter DOC
(43 KB)

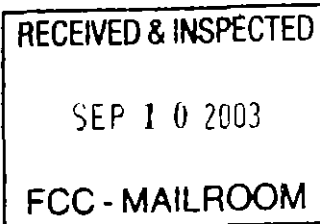
96-45, 97-21

Sirs,

Attached is a letter requesting a "Waiver Request" of the deadline for filing an invoice

<<FCC Letter DOC>>
Sincerely,

Steven Lipensky
Network Cabling Design Engineer / Sales
slipensky@dcninc.com
DataComm Networks, Inc
www.dcninc.com
800 544 4627

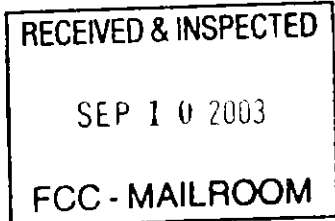


Denise Berger
CCB Secretary

DATA COMM
DATACOMM NETWORKS INCORPORATED

August 21, 2003

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554



Re "Request for Waiver" of the deadline, CC Docket Nos 96-45 & 97-21

DataComm Networks, Inc
Steven Lipensky
6801 N 54th Street
Tampa, FL 33610
813 873 0674
Fax 813 871 2240
slipensky@deninc.com

SPIN 143004587
Form 471 - 264078 (funding year 2001)
FRN - 721905 (McDonald Elementary School)
FRN - 721914 (Oak Park Elementary School)

Dear Sirs,

I am writing to you requesting a "Waiver Request" of deadline for the two above-mentioned FRN's. My invoice was denied because service was provided after the deadline for implementation 9/30/02.

In November of 2002, I was requested to install network cabling for the School District of Hillsborough County, Tampa, FL., as part of the E-Rate program. We have provided E-Rate cabling services to these two schools, as well as other schools within the district in the past. I was led to believe that the contracts for the schools had been extended. We completed the work, and submitted our invoice #124662-761 (Form 474) for payment on 12/19/02. The total invoice amount was \$2,378.25, and was noted as SLC Invoice #352310.

February 3, 2003, I received an e-mail from Gary Carlson (SLC) regarding two outstanding invoices. He stated that Invoice #352310 was with another Initial Reviewer, Anthony Samuel who was still processing it. I called Mr. Samuel, and on 2/10/03 I received an e-mail requesting itemized invoices, and "Service Certification" forms completed by the School's representative Steve Custer. In his e-mail he stated that the invoice date was after the contract expiration date, and the school submit a form 500 to extend the contract. I told Mr. Samuel that I was under the impression that these FRN contracts had been extended, but apparently not. I had the school submit the completed Service Certification forms, and I submitted the detailed invoices. A few phone calls took place over the next two months following the progress of the invoice.

1

NETWORK COMMUNICATIONS IS THE HEART OF OUR BUSINESS

Tampa 813-873-0674 Toll Free 800-544-4627 6801 N. 54th Street Tampa, FL 33610

DATA COMM
DATACOMM NETWORKS INCORPORATED

May 16, 2003, I received another request for the Service Certification form and detailed invoices from Mr. Samuel, and again I forwarded on the Service Certification to the school, and faxed the invoices again. May 28, 2003, I was notified by Steve Custer (Hillsborough County Schools) that he submitted the form 500. I followed up with Mr. Samuel at this point but got no response until July 1, 2003 when Mr. Samuel said that he had attempted to contact the school district, but had been unsuccessful in doing so, and could not complete his review until this was done. I sent an e-mail, and left a voice mail for Steve Custer to contact Mr. Samuel as soon as possible. On July 8, 2003, I spoke with Steve Custer who told me that he had spoken with someone at the SLC and answered his or her questions. This same day in the mail I received a "Form 500 Notification Letter" which stated that the two FRN's in question, had their contract expiration dates changed from 6/30/02, to 5/1/03 (this notice was received by me two months after the extended date) This date would now cover my installation and invoice date of 12/2002.

On July 24, 2003 I received an e-mail from Mr. Samuel saying that the request for funding was denied because the service was provided after the deadline for implementation of 9/30/02. He suggested that I send a letter to the SLC's Service of Delivery Deadline Extension Request, which I did on July 28, 2003. August 14, 2003 I received a response stating that both FRN's were billed outside of the funding year. When I called USAC, they said that I should call the SLC. The SLC suggested that I write to you.

I have been complying to the best of my ability, including the legwork for the school district, to get paid for the services we provided in good faith. DataComm has been a service provider to the school district for over ten years, and involved with the E-Rate program since its implementation. We are a small company, and this invoice, (which we have paid out for all of the labor and materials) has been outstanding on our books for over eight months. The time to track all of the paper work and correspondence has kept me from my other duties, and is a cost, which we cannot recover.

I trust that you will take all of this information into consideration when examining this Waiver Request of the deadline. Why did it take eight months and all of this paper work to come to this decision? Thank you in advance for your time.

Please feel free to contact me for any additional information or documentation that you may need in making your decision.

Sincerely,

Steven Lipensky